

### REMARKS

The Office Action mailed June 20, 2006 has been carefully considered and it is respectfully requested that the application be reconsidered in view of the amendments made to the claims and for the remarks herein.

Claims 1 and 8-11 are pending and stand rejected.

Claim 1 has been amended to correct a typographical error.

Claims 1 and 9-11 stand rejected under 35 USC 102(e) as being anticipated by Curtis (USP no. 7,000,222).

Applicant respectfully disagrees with the reason for rejecting the claims

With regard to claim 1, this claim recites:

1. A system for packaging applications that operates on an operating system, the system operable on a computer system, comprising:
  - means for determining the operating system on which the packaging applications will operate;
  - means for providing at least one parameter corresponding to at least one element used by native utilities on the determined operating system; and
  - a process for accessing the native utilities of the determined operating system based on the at least one parameter, wherein the at least one parameter:
    - identifies the location of the application prior to the application being packaged,
    - identifies where the application is to be placed after it has been packaged,
    - identifies a name for the application,
    - identifies an identifier used by an installation utility in order to identify the application for use by the installation utility,
    - specifies an identifier unique to the determined operating system; and
    - identifies the particular version of the application that is to be packaged.

Curtis discloses a system, method and program for accessing variables, such as environment variables from an operating system. An application program executes a command to store at least one variable maintained by the operating system in a data object accessible to the application program. The application program is executing on the operating system. An operating system command is executed in response to the command from the application program to retrieve the requested at least one variable and stores the retrieved at least one variable in the data object. (See Abstract). Curtis discloses that "the operating system command

is selected from a set of native operating system commands for different types of operating systems” (see col. 3, lines 15-17).

The Examiner refers to this disclosure by Curtis as being comparable to the claim element “identifies where the application is to be placed after it has been packaged, identifies a name for the application.” (see OA, page 3, lines 9-12).

However, a reading of the referred-to section fails to reveal where Curtis discloses the location of the application package or the name of the package. Rather Curtis discloses that in the process of determining the operating system, the operating system command is selected from a list of commands for different types of operating systems. Thus, Curtis fails to disclose locating or naming the application as is recited in the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Curtis cannot be said to anticipate the present invention, because Curtis fails to disclose each and every element recited. Hence, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn and the claim allowed.

With regard to the remaining independent claim, this claim recites subject matter similar to that recited in claim 1 and was rejected citing the same reference used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are applicable in response to the rejection of the remaining independent claim. Hence, for the remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claim, it is submitted that the reason for the rejection of this claim has been overcome and the rejection can no longer be sustained. It is respectfully requested that the rejection be withdrawn and the claim allowed.

With regard to the remaining dependent claims, these claims ultimately depend from the independent claims, which have been shown to be allowable over the cited references. Accordingly, the remaining claims are also allowable by virtue of their dependence from an allowable base claim.

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Claim 8 stands rejected under 35 USC 103(a) as being unpatentable over Curtis in view of Fisher (USP no. 6,038,399).

Claim 8 depends from independent claim 1, which has been shown to include subject matter not disclosed by Curtis, and Fisher provides no teaching to correct the deficiencies noted in Curtis. Accordingly, claim 8 is not rendered obvious by the references cited as the combination of Curtis and Fisher fail to disclose all of the elements claimed.

For at least this reason, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (914) 798 8505.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: \_\_\_\_\_

9/15/06



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